

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TERESSA JANETTE GALLEGOS, Individually and
as Personal Representative of the ESTATE OF
JOSEPH ORAN VAN WINKLE, Deceased; and
MARY ANN VAN WINKLE,

Plaintiffs,

No. CIV 13-1055 JB/KBM

v.

MAUREEN WOOD, M.D.;
MEDICAL DOCTOR ASSOCIATES, LLC;
and the UNITED STATES OF AMERICA,

Defendants.

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE OF
PORTION OF PLAINTIFFS' THIRD CLAIM**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs and Defendant United States of America moves the Court for dismissal with prejudice of the claims arising from the conduct of Dr. Quintana and claims based on the actions of the pharmacists accompanying Dr. Wood on her rounds. *See, e.g.*, Doc. 41 at ¶¶ 8, 9-10, 21 & 22. Plaintiffs do not oppose the United States' Motion for Partial Summary Judgment on Claims Based on the Actions of Christopher Quintana, M.D., Doc. 218, and that portion of the United States' Motion for Partial Summary Judgment on Claims Based on the Actions of Pharmacists that address Plaintiffs' claims arising out of the actions of the pharmacists that accompanied Dr. Wood on rounds. *See* Fed. R. Civ. P. 41(a)(2); *Morris v. City of Hobart*, 39 F.3d 1105, 1109 (10th Cir. 1994) ("Rule 41(a)(2) does not require

that the plaintiff's request for dismissal take any specific form; it requires only that the court approve such a request for dismissal").

Respectfully submitted,

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Deceased; and Mary Ann Van Winkle*

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2017, I filed the foregoing pleading electronically through the CM/ECF system which caused the following parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing:

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filed electronically 1/26/17

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